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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/814,635 | 04/01/2004 | Peter Losbrock | 32368-202378 | 7567 |

26694 7590 09/28/2005

VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20045-9998

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| EXAMINER |
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RODRIGUEZ, JOSEPH C

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| ART UNIT | PAPER NUMBER |
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3653

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---------------------|------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/814,635 | LOS Brock ET AL. | |
| | Examiner | Art Unit | |
| | Joseph C. Rodriguez | 3653 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/29/04; 12/13/04</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

Claim Objections

The claims are objected to as the form of claims 1-19 is improper. Where a claim sets forth a plurality of elements or steps, as in the instant claims, each element or step should be separated by a line indentation. See MPEP 608.01(m) and 37 CFR 1.75(i).

Claims 2-18 are objected to because of the following informalities:

Claim 1 reads "A spinning preparation machine", thus the claims depending therefrom should read "**The** device".

Further, the language "can be" (see e.g., claim 1, ln. 5; claim 8) is objected to as it may render the claims indefinite as it is unclear whether the features subsequent to the "can be" language are a necessary part of the claimed invention. Applicant must positively recite the features of the claimed invention. Examiner thus recommends eliminating all instances of "can be" from the claim language.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Hosel (US 6,477,741).

Regarding claims 1, 4-10, Hosel (Fig. 1-8) teaches a spinning preparation machine in which waste can be separated from fiber material, having a sensor arrangement (col. 4, ln. 43 et seq.) including a light source (Id.; teaching multiple types of colored light) and a brightness sensor (41; Fig. 1b, 2, 4, 6, 7 teaching various placements near suction removal hoods 17-21, conduits 22-26, main conduit 27) for examining waste, and further having a measurement element (col. 4, ln. 43 et seq. teaching evaluating unit), wherein the waste can be conveyed past the sensor arrangement and the brightness sensor is arranged to receive light from the light source reflected by the waste (see e.g., fig. 4, 6, 7), the received light being convertible into electrical signals which are measurable by the measurement element (col. 4, ln. 43 et seq. teaching various electronic control systems for evaluating light data).

Regarding claims 2, 3, 19, Hosel teaches that the sensor means can be a CCD camera (col. 4, ln. 63). Thus, as CCDs function by converting light to electric current, it is implicit that the sensor can detect differences in brightness.

Regarding claims 12, Hosel teaches using an electronic evaluation device to determine material specific statistics (col. 4, ln.19-col. 6, ln. 27), thus it is implicit that Hosel determines one or more parameters selected from: the variation of the brightness of the good fibres; the coefficient of variation of the brightness of the good fibres; and the standard deviation of the brightness of the good fibres.

Regarding claims 13, Hosel teaches using pre-specified quantities and, in the event of a departure therefrom, effecting a modification of the waste separation (col. 5, ln. 10-57 teaching control device that modifies based on inputted or "pre-given data").

Regarding claims 14-15, 17, Hosel teaches a separating guide vane being adjustable in dependence on measurement results from the evaluation device, wherein the measurement results can be regarded as usable in a control and regulation circuit for optimizing the cleaning of the fiber material as Hosel teaches adjusting quality settings based on sensor readings (col. 4, ln. 19 et seq.).

Regarding claim 16, Hosel teaches at least two adjusting mechanisms (Fig. 5; 45a, 45b) for setting the angles of the respective guide vanes that are connected to a control and regulation device (col. 4, ln. 60-68), thus it is implicit that these mechanisms use some form of angle-measuring device in order to set the vanes properly.

Regarding claim 18, it is implicit that the sensor arrangement can be used for determining a blockage of fiber material in the collecting device as the sensor arrangement determines the brightness levels and these levels can be used to determine blockage.

Conclusion

Any references not explicitly discussed above but made of record are considered relevant to the prosecution of the instant application.

Here, the method of controlling fiber-cleaning machines taught by Demuth et al., US 5,181,295, should be noted.

Art Unit: 3653

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Joseph C Rodriguez** whose telephone number is **571-272-6942** (M-F, 9 am – 6 pm, EST).

The **Official** fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

The examiner's **UNOFFICIAL Personal fax number** is **571-273-6942**.

Further, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PAIR system, see

<http://pair-direct.uspto.gov>

Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at **866-217-9197** (Toll Free).

Alternatively, inquiries of a general nature or relating to the status of this application or proceeding can also be directed to the **Receptionist** whose telephone number is **571-272-6584**. Further, the supervisor's contact information is Donald Walsh, 571-272-6944.

Signed by Examiner Joseph Rodriguez

Jcr.

September 23, 2005

